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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 MON, LLC,

CASE NO. C19-0483JLR

11 Plaintiff,

12 v.

13 M/V BLUE GOOSE, et al.,

ORDER DENYING WITHOUT
PREJUDICE MOTION FOR
WARRANT FOR VESSEL
ARREST

14 Defendants.

15 Before the court is Plaintiff Mon, LLC (“Mon”)’s motion for an order directing the
16 Clerk to issue a warrant for arrest of Defendant M/V Blue Goose (“the Blue Goose”).
17 (Compl. (Dkt. # 1); Mot. (Dkt. # 2).) The court has reviewed the motion and supporting
18 materials and finds that the motion is deficient for at least the following reasons.

19 First, the Local Admiralty Rules require that pleadings be verified by the party, an
20 attorney for the party, or, “if a corporate party, by an officer.” Local Rules W.D. Wash.
21 LAR 105. Here, Barbara Hartley, Mon’s property manager, has verified the complaint.
22 (Compl. at 4-5.) Although Ms. Hartley attests that she is “authorized” to verify the

1 complaint, she does not state that she holds an ownership interest in Mon; nor does she
2 state that she is either an officer or managing member of Mon. (*See id.* at 5.) Thus, the
3 court cannot conclude that the complaint is verified in a manner consistent with Local
4 Admiralty Rule 105.

5 Second, Mon claims that Defendant Patrick Fike, the owner of the Blue Goose,
6 has breached a moorage contract by failing to pay moorage since September 1, 2018.
7 (Compl. ¶ 11.) In support of its motion, Mon attaches a moorage agreement dated
8 August 22, 2013. (Agreement (Dkt. # 1-1) at 1.) The term of the lease established by
9 that agreement expired on February 28, 2014. (*Id.*) No provision of the lease would
10 establish a *de facto* extension of the lease term. (*See generally id.*) Moreover, Mon has
11 provided no evidence that Mr. Fike and Mon extended the lease term or renewed the
12 agreement or that Mr. Fike became a holdover tenant bound by the terms of the
13 agreement. (*See generally Compl.; Mot.*) Accordingly, the court finds that Mon has
14 failed to carry its burden to show that there is probable cause to arrest the Blue Goose.

15 For the foregoing reasons, the court DENIES Mon's motion for a warrant for a
16 vessel arrest (Dkt. # 2) without prejudice to refiling in accordance with the Local
17 Admiralty Rules and Supplemental Rule C of the Federal Rules of Civil Procedure.

18 Dated this 2nd day of April, 2019.

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20 RICARDO S. MARTINEZ
United States District Judge
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